# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

RONALD P. CROUCH Claimant	)
VS.	) ) Docket No. 190,783
SCHOTT'S CUSTOM COACH, INC.  Respondent Uninsured	
AND	)
WORKERS COMPENSATION FUND	)

## ORDER

Claimant requested review of the Award dated September 23, 1996, entered by Administrative Law Judge Jon L. Frobish. The Appeals Board heard oral argument on March 6, 1997.

## **APPEARANCES**

Claimant appeared by his attorney, Stephen J. Jones of Wichita, Kansas. Respondent appeared by its attorney, Ray Hodge of Wichita, Kansas. The Workers Compensation Fund appeared by its attorney, Chris S. Cole of Wichita, Kansas.

## RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

#### ISSUES

The Administrative Law Judge found claimant failed to prove he sustained an accidental injury on either April 29, 1994, or June 4, 1994. Therefore, the Administrative Law Judge denied claimant's request for benefits. Claimant requested the Appeals Board to review that finding. That is the only issue before the Appeals Board on this review.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

The Award should be affirmed.

IT IS SO ORDERED.

The Appeals Board finds claimant has failed to prove he sustained an accidental injury as the result of either alleged incidents on April 29, 1994, or June 4, 1994. In arriving at that conclusion, the Appeals Board was most persuaded by the testimony from physicians Robert L. Eyster, M.D., and Ernest R. Schlachter, M.D., that the videotape which was admitted into evidence showed claimant performing activities which were inconsistent with his complaints to those physicians when he reported for treatment. With claimant's credibility in doubt, the Appeals Board is unable to accept claimant's testimony as proof of the alleged accidents in the absence of other persuasive evidence.

The Appeals Board adopts the Administrative Law Judge's findings and conclusions to the extent they are not inconsistent with the above.

#### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award dated September 23, 1996, entered by Administrative Law Judge Jon L. Frobish should be, and is hereby affirmed.

Dated this day of Mar	ch 1997.
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: Stephen J. Jones, Wichita, KS
Ray Hodge, Wichita, KS
Chris S. Cole, Wichita, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director